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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Charles Allen Cole, III,
10 Petitioner,

11 v.

12 David Shinn, et al.,
13 Respondents.
14

No. CV-21-00523-TUC-RM

ORDER

15 On March 28, 2023, Magistrate Judge Bruce G. Macdonald issued a Report and
16 Recommendation (Doc. 22), recommending that this Court dismiss with prejudice
17 Petitioner Charles Allen Cole, III's Petition for Writ of Habeas Corpus pursuant to 28
18 U.S.C. § 2254 (Doc. 1). No objections to the Report and Recommendation were filed.

19 A district judge must "make a de novo determination of those portions" of a
20 magistrate judge's "report or specified proposed findings or recommendations to which
21 objection is made." 28 U.S.C. § 636(b)(1). The advisory committee's notes to Rule
22 72(b) of the Federal Rules of Civil Procedure state that, "[w]hen no timely objection is
23 filed, the court need only satisfy itself that there is no clear error on the face of the record
24 in order to accept the recommendation" of a magistrate judge. Fed. R. Civ. P. 72(b)
25 advisory committee's note to 1983 addition. *See also Johnson v. Zema Sys. Corp.*, 170
26 F.3d 734, 739 (7th Cir. 1999) ("If no objection or only partial objection is made, the
27 district court judge reviews those unobjected portions for clear error."); *Prior v. Ryan*,
28 CV 10-225-TUC-RCC, 2012 WL 1344286, at *1 (D. Ariz. Apr. 18, 2012) (reviewing for

1 clear error unobjected-to portions of Report and Recommendation).

2 The Court has reviewed Magistrate Judge Macdonald's Report and
3 Recommendation, the parties' briefs, and the record. The Court finds no clear error in
4 Magistrate Judge Macdonald's Report and Recommendation.

5 Accordingly,

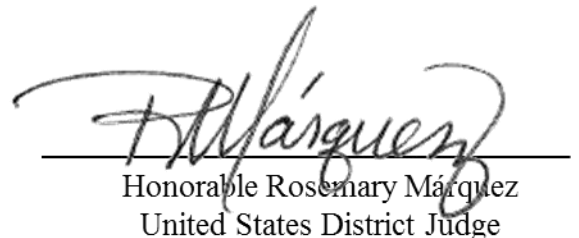
6 **IT IS ORDERED** that the Report and Recommendation (Doc. 22) is **accepted**
7 **and adopted in full.**

8 **IT IS FURTHER ORDERED** that Petitioner Charles Allen Cole, III's Petition
9 for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. 1) is **dismissed with**
10 **prejudice.** The Clerk of Court is directed to enter judgment accordingly and close this
11 case.

12 **IT IS FURTHER ORDERED** that, pursuant to Rule 11 of the Rules Governing
13 Section 2254 Cases, the Court declines to issue a certificate of appealability, because
14 reasonable jurists would not find the Court's ruling debatable. *See Slack v. McDaniel*,
15 529 U.S. 473, 478, 484 (2000).

16 Dated this 7th day of July, 2023.

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Honorable Rosemary Márquez
United States District Judge